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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. C 07 03915 HRL

AURELIO MACIEL MATA

JOINT CASE MANAGEMENT

¹

Plaintiff,

CONFERENCE STATEMENT

vs

EDWARD J. ULRICK dba ULRICO

Hearing Date: 11/13/2007

SERVICES, BOB MONSEN dba

Time: 1:30 p.m.

CONSTRUCTION SERVICES, and

Dept: Ctrm 2, 5th Flr

DAFOE COMPANY and DOES 1-10

Hon. Magistrate Judge Howard R. Lloyd

Defendants.

JOINT CASE MANAGEMENT CONFERENCE STATEMENT

JOINT CASE MANAGEMENT CONFERENCE STATEMENT, ADR CERTIFICATION; PROPOSED ORDER

1 The parties to the above-referenced action jointly submit this Case
2 Management Statement and Mediation Certification.

3 DESCRIPTION OF THE CASE

4 1. Jurisdiction and Service:

5 The Plaintiff claims United States District Court has jurisdiction under
6 the Fair Labor and Standards Act. Co-defendants EDWARD J. ULRICK and
7 DAFOE COMPANY have not been served..

8 2. Facts:

9 This is a wage and hour case. The plaintiff claims he worked for
10 Defendants as a plasterer. The plaintiff asserts he worked over eight
11 hours in one day and forty hours in one week and was not paid overtime.
12 Defendant BOB MONSEN disputes that the plaintiff was his employee and
defendant disputes the amount of overtime.

13 3. Legal Issues:

14 Whether Defendant is subject to liability under the FLSA; waiting time
15 penalty, violations of California Labor Code and/or Business and
16 Professions Code §17200.

17 4. Motions:

18 Defendant and Plaintiff anticipate filing a summary judgment motion on
19 all issues following limited discovery.

20 5. Amendment of Pleadings:

21 Plaintiff anticipates no further amendments to the complaint unless he
22 discovers new parties to the case.

23 6. Evidence Preservation:

24 Plaintiff has preserved and will give Defendants copies of his evidence.
25 He will make copies and give defendants copies of any evidence in the file
excluding copies of evidence withheld for impeachment purposes. Defendant
BOB MONSEN will do likewise.

1 7. Disclosures:

2 Parties have agreed to exchange disclosures in thirty days.

3 8. Discovery:

4 Thirty five special interrogatories per party; Unlimited requests for
5 Admissions and Production of Documents. Parties limited to four non
6 expert depositions at ten hours apiece (eight hour limitation imposed by
7 local rules raised to ten because some depositions may require an
8 interpreter).

9 9. Class Actions: None we are aware of.

10 10. Related Cases: None we are aware of.

11 11. Relief: Plaintiff is asking for lost overtime wages under state and
12 federal law.

13 12. Settlement and ADR: Both of these parties consent to mediation.

14 13. Consent to Magistrate Judge For All Purposes: Plaintiff and Defendant
15 consent to a magistrate judge.

16 14. Other References: None requested

17 15. Narrowing of Issues: Summary Judgment will narrow issues.

18 16. Expedited Schedule: None Requested

19 17. Scheduling: See below

20 18. Trial: These parties request a jury.

21 19. Disclosure of Non-party Interested Entities or Persons: None that
22 Plaintiff and Defendant are aware of.

23 ALTERNATIVE DISPUTE RESOLUTION

24 Parties met and conferred but cannot submit a stipulation selecting mediation (ADR L.R. 6)
25 as an ADR process with this statement because all parties have not been served/appeared.

DISCLOSURES

Disclosures will be exchanged in thirty days.

DISCOVERY

Close of all discovery by May 31, 2008. Parties do not anticipate using expert witnesses. However if that occurs Exchange of expert witnesses June 31, 2008, Deposition of expert witnesses July 31, 2008. Last Day for dispositive motions August 26, 2008.

TRIAL SCHEDULE

Three day trial sometime in or after September 2008

Respectfully submitted,
Dal Bon & Wang

Dated: 11/6/2007

_____/s/jdb
James Dal Bon
Attorney for Plaintiff

Respectfully submitted,

Dated: 11/6/2007

_____/s/amp
Alan M. Phillips
Attorney for Defendant BOB MONSEN

CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

Dated:

Honorable Howard R. Lloyd

JOINT CASE MANAGEMENT CONFERENCE STATEMENT, ADR CERTIFICATION; PROPOSED ORDER